

REMARKS

Claims 1-20 are now pending in the application. Claims 16-20 are cancelled herein without prejudice. Applicant reserves the right to present these claims in one or more continuing applications. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Claims 3 and 12 were objected to by the Examiner. Applicant has amended Claims 3 and 12 in accordance with the Examiner's suggestions. Applicant believes that this rejection is now moot.

REJECTION UNDER 35 U.S.C. § 112

Claims 11-15 stand rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. These Claims contain the limitation that "the first and second planar light transmissive materials have a combined thickness that is greater than 0.0375 inches and less than 1.24 inches".

In the specification, Applicant described an overall thickness of the luminous panel to be 3/16 inches to 1-1/4 inches. More specifically in paragraph [0014] of the publication document US 2002/0132135, Applicant clearly states that "the luminous panel may be of any thickness depending upon the use, but is preferably in the range of 3/16 inches to 1-1/4 inches".

Applicant also specifically defined the thickness of the luminous layer or interlayer. In paragraph [0016], Applicant clearly states that "The thickness of the interlayer depends upon the application and is preferably in the range equal to 0.010 to 0.150 inches".

For purposes of illustration this discussion will refer to FIG. 1, which shows a three layer luminous panel. If the overall thickness of the luminous panel is $\frac{3}{16}$ inches to $1\frac{1}{4}$ inches and the thickness of the interlayer or luminous material 6 is between 0.010 to 0.150 inches, simple subtraction can be used to derive the combined thickness of the remaining two layers 2 and 4.

The minimum combined thickness of the first and second planar light transmissive layers occurs when the overall thickness is $\frac{3}{16}$ and the luminous layer is at the maximum thickness of 0.15 inches. $\frac{3}{16}$ inches minus 0.15 inches is equal to 0.0375 inches. The maximum combined thickness of the first and second planar light transmissive layers occurs when the overall thickness is $1\frac{1}{4}$ inches and the luminous layer has a minimum thickness of 0.01 inches. 1.25 inches minus 0.01 inches is equal to 1.24 inches.

Therefore, the restriction that “the first and second planar light transmissive materials have a combined thickness that is greater than 0.0375 inches and less than 1.24 inches” is amply supported by the specification. For the foregoing reasons, Applicant believes that this rejection is now moot.

REJECTION UNDER 35 U.S.C. §102

Claims 1 and 9 stand rejected under 35 U.S.C. §102 as being anticipated by Takada et al. This rejection is respectfully traversed.

Claim 1 now specifies that a continuous planar layer of luminous material is located between, in contact with and extends substantially the length of the first and second planar light transmissive materials. Claim 9 now depends from Claim 1.

As best understood by Applicant, the glass layers 101 and 102 and the phosphor layer 111G in Takada et al. are not in contact as claimed. For example, see the front page drawing of Takada et. al. The phosphor layer 111G is not in contact with either glass layer 101 or 102. An air gap and other layers separate the phosphor layer 111G and other top layers and the glass layer 101. Other layers are also located between the phosphor layer 111G and the glass layer 102. In addition, the luminous panel in Takada et la. is powered. Therefore, Takada et al. does not show, teach or suggest the limitations of Claim 1.

Claim 1 also stands rejected under 35 U.S.C. §102 as being anticipated by Abe et al. This rejection is respectfully traversed.

Claim 1 is now restricted to first and second planar, non-conductive, light transmissive materials that include glass. The transparent conductive layers 2 and 6 in Abe et al. are, by definition, conductive. Therefore, Abe et al. does not show, teach or suggest the limitations of Claim 1.

For the foregoing reasons, Applicant believes that Claim 1 is in condition for allowance. Claims 2 and 9 depend directly from Claim 1 and are allowable for the same reasons.

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 3-8 and 10 would be allowable if rewritten in independent form. Accordingly, Applicant has amended Claims 3-5 and 8 to include the limitations of the base claim and any intervening claims. Applicant has omitted the limitation that the luminous material extends substantially the length of the first and

second planar light transmissive materials. Applicant believes that the omission of this limitation does not affect the patentability of the present invention with respect to the prior art references of record. Therefore, Claims 3-5 and 8 are also in condition for allowance.

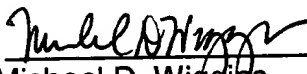
The Examiner states that Claims 11-15 would be allowable the rejection under 35 U.S.C. §112 can be overcome. Applicants have responded to the rejection under 35 U.S.C. §112 above. Applicant has also amended Claim 11 to include the limitations of the base claim and any intervening claims. Claim 12 is now in dependent from Claim 11. Claims 13-15 depend from Claim 11 and are also in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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